IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2540 of 2005

Between:

Sri Venkateswara DWCRA Group , rep. by Smt. K. Kusumalatha,
W/o. K.Venkataramana Reddy, R/o. 2-1517/1, Padmavathi Nagar, Pilar Village and Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector,

Chittoor, Chittoor District.
2 The Joint Collector,

Chittoor, Chittoor District.
3 The Sub-Collector,

Madanapalle, Chittoor.
4 The Mandal Revenue Officer,

Piler, Chittoor District.
5 Surya Teja DWCRA Group,

Rep,. by Smt. C. Lalithakumari, Piler Village and
Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction particularly one in the nature of WRIT OF MANDAMUS declaring the order dt. 28-1-2005 of the 2nd respondent in setting aside the order of the 3rd respondent where in the petitioner was appointed as Fair Price shop Dealer for shop No8 of piler, Chittoor district as arbitrary, illegal and violative of Articles, 14, and 19(1) (g) of the Constitution of India and set aside the order of the 2nd respondent dt. 28-1-2005 in D.DIs.E1/386/04.

Counsel for the Petitioner:MR.R.RAMACHANDRA REDDY
Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was selected by the 3rd respondent as a dealer for fair price shop No.8, Peler Village, Chittor District and was appointed through proceedings, dated 16.07.2004. Aggrieved thereby, the 5th respondent preferred an appeal before the 2nd respondent. Through his order, dated 28.01.2005, the 2nd respondent set aside the order of appointment of the petitioner. Aggrieved thereby, the petitioner preferred a revision before the 1st respondent together with an application for stay. Its grievance is that the 1st respondent has not passed any orders in the stay application so far and in the meanwhile, the 3rd respondent is taking steps to entrust the distribution of essential commodities to an adjacent dealer as directed by the 2nd respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The appointment of the petitioner as fair price shop dealer was challenged by the 5th respondent by preferring the appeal before the 2nd respondent. On recording certain findings, the 2nd respondent set aside the appointment of the petitioner. He remanded the matter to the 3rd respondent for fresh consideration. A further direction was issued to entrust the distribution of essential commodities in the said shop to an adjacent dealer. The petitioner preferred a revision along with an application for stay. The limited grievance of the petitioner is about the threat to its functioning as dealer, pending disposal of the revision or the application for stay, as the case may be.

It is true that the 2nd respondent had set aside the appointment of the petitioner and the matter was remitted to be considered afresh. The petitioner availed the remedy of revision. It is for the 1st respondent to examine the matter and pass appropriate orders either upholding or reversing the order passed by the 2nd respondent. Till such an exercise is undertaken, the interests of the parties to the proceedings are to be protected.

It is not as if the 5th respondent would be entitled to function as dealer straight away in pursuance of the orders of the 2nd respondent. Instead of entrusting the distribution of essential commodities in the shop to a third party, the petitioner can be continued, subject to the outcome of the revision.

Therefore, the writ petition is disposed of, directing that the petitioner shall be entitled to function as dealer, till the disposal of the revision by the 1st respondent and latter shall endeavour to dispose of the revision after hearing the affected parties, as early as possible and not later than six weeks from today. There shall be no order as to costs.

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15.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The District Collector,

Chittoor, Chittoor District.

2 The Joint Collector,

Chittoor, Chittoor District.

3 The Sub-Collector,

Madanapalle, Chittoor.

4 The Mandal Revenue Officer,

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Mandal, Chittoor District.

6 Two CCs to the GP FOR CIVIL SUPPLIES,

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